

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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AHMED MOHAMED,

Plaintiff,

Docket No.:  
10 CIV 7249 (PKC)

-against-

METROPOLITAN LIFE INSURANCE  
COMPANY,

Defendant.

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**NOTICE OF MOTION  
ON SUMMARY TRIAL**

**PLEASE TAKE NOTICE** that, upon the Declaration of Matthew Hallford dated May 31, 2011, and the exhibits annexed thereto, the Declaration of Michael H. Bernstein, Esq. dated June 8, 2011 and the exhibits annexed thereto, the Declaration of Gregory Hafner dated June 8, 2011, and Memorandum of Law in support, all simultaneously submitted herewith, defendant, METROPOLITAN LIFE INSURANCE COMPANY by their attorneys, Sedgwick LLP, will move this Court, on a date and at a time set by the Court, before the Honorable P. Kevin Castel, U.S.D.J., at the United States District Courthouse for the Southern District Of New York, 500 Pearl Street, Courtroom 12C, New York, New York 10007, for an Order on Summary Trial: (1) granting MetLife Judgment dismissing plaintiff's Complaint with prejudice on the grounds that MetLife's decision to deny the plaintiff's claim for continuing long term disability plan benefits under the Employee Retirement and Income Security Act of 1974 ("ERISA") §502(a)(1)(B); 29 U.S.C. §1132(a)(1)(B), was not arbitrary and capricious; and (2) granting MetLife Judgment on its Counterclaim in the amount of \$6,331.07, which is the amount of the overpayments of Plan benefits Plaintiff received from MetLife but failed to return; and for such other and further relief as this Court deems just and proper.

Dated: New York, New York  
June 8, 2011

Respectfully submitted,

s/

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Michael H. Bernstein (MB-0579)  
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[SDMA File No. 00584-007610]

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the attached **NOTICE OF MOTION ON SUMMARY TRIAL** was served via ECF and regular mail June 8, 2011 upon:

Michael Yoeli, Esq.  
YOELI GOTTLIEB & ETRA LLP  
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*Attorneys for Plaintiff*

s/  
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MATTHEW P. MAZZOLA (MM-7427)